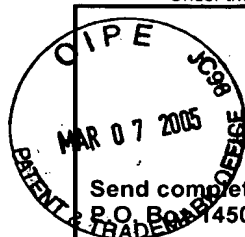


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

**PETITION FEE**

Under 37 CFR 1.17(f), (g) &amp; (h)

**TRANSMITTAL**

Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/765,108
Filing Date	January 28, 2004
First Named Inventor	S. NISHIYAMA, et al
Art Unit	
Examiner Name	
Attorney Docket Number	500.43441X00

Enclosed is a petition filed under 37 CFR §1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition (fees)

- ☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-1417:
- ☐ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments
- Enclose a duplicative copy of this form for fee processing.
- ☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.
- ☒ Payment by credit card (From PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f):****Fee \$400****Fee Code 1462**

For petitions filed under:

- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to according a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under §1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g):****Fee \$200****Fee code 1463**

For petitions filed under:

- §1.12 - for access to an assignment record.
- §1.14 - for access to an application.
- §1.47 - for filing by other than all the inventors or a person not the inventor.
- §1.59 - for expungement of information.
- §1.103(a) - to suspend action in an application.
- §1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- §1.295 - for review of refusal to publish a statutory invention registration.
- §1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- §1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- §1.550(c) - for patent owner requests for extension of time in ex parte reexamination proceedings.
- §1.956 - for patent owner requests for extension of time in inter partes reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h):****Fee \$130****Fee Code 1464**

For petitions filed under:

- §1.19(g) - to request documents in a form other than that provided in this part.
- §1.84 - for accepting color drawings or photographs.
- §1.91 - for entry of a model or exhibit.
- §1.102(d) - to make an application special.
- §1.138(c) - to expressly abandon an application to avoid publication.
- §1.313 - to withdraw an application from issue.
- §1.314 - to defer issuance of a patent.

Name (Print/Type)

Carl I. Brundidge

Registration No. (Attorney/Agent)

29,621

Signature

Date

March 7, 2005

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: S. NISHIYAMA, et al

Serial No.: 10/765,108

Filed: January 28, 2004

For: CASING FOR STORAGE APPARATUS AND STORAGE APPARATUS

**PETITION TO MAKE SPECIAL  
UNDER 37 CFR 1.102(d) and MPEP. §708.02, VIII**

**MS Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

March 7, 2005

Sir:

**1. Petition**

Applicants hereby petition to make this application **Special**, in accordance with 37 CFR §1.102(d) and MPEP 708.02, VIII. The present invention is a new application filed in the United States Patent and Trademark Office on January 28, 2004 and as such has not received any examination by the Examiner.

**2. Claims**

Applicants hereby represent that all the claims in the present application are directed to a single invention. If upon examination it is determined that all the claims presented are not directed to a single invention, Applicants will make an election without traverse as a prerequisite to the granting of special status.

03/09/2005 MBEYENE1 00000044 10765108

01 FC:1464

130.00 0P

### **3. Search**

Applicants hereby submit that a pre-examination search has been made by a professional searcher.

The field of search covered:

<u>Class</u>	<u>Subclasses</u>	<u>Description</u>
361		ELECTRICITY: ELECTRICAL SYSTEMS AND DEVICES
	600	HOUSING OR MOUNTING ASSEMBLIES WITH DIVERSE ELECTRICAL COMPONENTS
	614	.... With plural removable control units in housing
	685	.... Disk drive support
	724	.. Cabinet-type housing

The above subclasses represent areas deemed to contain subject matter of interest to one or more of the search features. Please note that relevant references may be classified outside of these areas. The integrity of the search is based on the records as presented to us by the United States Patent and Trademark Office. No further integrity studies were performed. Also, a key work search was performed on the USPTO full-text database including published U.S. patent applications.

### **4. Copy of References**

A listing of all references found by the professional searcher is provided by a Form PTO-1449 and copies of the references and the Form PTO-1449 are submitted as part of an Information Disclosure Statement (IDS) filed on even date.

### **5. Detailed Discussion of the References and Distinctions Between the References and the Claims**

Below is a discussion of the references uncovered by the search and cited in

the IDS filed on even date that appear to be most closely related to the subject matter encompassed by the claims of the present application, and which discussion particularly points out how Applicants' claimed subject matter is distinguishable over those references. All other references uncovered by the search and cited in the IDS filed on even date are **not** treated in detail herein.

**a. Detailed Discussion of the References**

Ohwaki et al (U.S. Patent No. 4,530,066) provides a compact expandable electronic signal processing apparatus, wherein a floppy disk unit 22 is made up of a disk drive mechanism 22D as its upper portion and a lower part 22U in which an interface circuit and a disk control circuit are housed. The lower portion 22U of floppy disk unit 22 has a width and height substantially corresponding to the width and height, respectively, of signal processing section 12 and power section 13 of the computer 11. (see Fig. 6 and col. 5, lines 52-55, 58-63).

Suzuki et al (U.S. Patent Application Publication No. 2004/0037034) provides a disk array device that includes hard disk drive (HDD) modules 200 sequentially positioned in the front opening of the chassis 100 so that the HDD modules 200 are removable. The battery module 500 and operation module 400 can be equal to the HDD modules 200 in width and height. The power supply modules 600 and controller modules 700, 702 can all be removed separately. (see Fig. 1 and paragraphs 57, 64 and 66).

Moriwaki et al (U.S. Patent Application Publication No. 2004/0083338) provides for a disk array controller, wherein a plurality of disk units (DKU's) 60 are connected to each disk array control unit (DKC) rack 30. (see Fig. 15 and paragraph

60).

**b. Distinctions Between the References and the Claims**

The present invention as recited in the claims is not taught or suggested by any of the above noted references whether taken individually or in combination with each other or in combination with any of the other references now of record.

The present invention as recited in the claims is directed to a casing for a storage apparatus and a storage apparatus including such casing. Particularly, according to the present invention the casing includes first receiving portions for receiving a disk drive box in which a plurality of disk drives are received in a line, wherein the first receiving portion is approximately equal in height and width to the disk drive box, and a second receiving portion for receiving a control box portion in which a plurality of control boards for executing a control relating to a data input and output process with respect to the disk drives are received in a line, wherein the second receiving portion is approximately equal in height and width to the first receiving portion. The above described features are recited in each of the claims. The features described above are not taught or suggested by any of the references of record whether taken individually or in combination with each other.

For example, Ohwaki as described above provides a compact expandable electronic signal processing apparatus.

Suzuki as described above teaches a disk drive device having a chassis that includes a plurality of hard disk units connected to each of a plurality of disk array control units.

Moriwaki teaches disk array controller racks each having a plurality of disk

units corresponding connected to the disk array control unit rack.

None of the above described references, namely Ohwaki, Suzuki and Moriwaki, teach or suggest the features of the present invention as clearly recited in the claims. Particularly, the above described references do not teach or suggest a casing having a first receiving portion for receiving a disk drive box in which a plurality of disk drives are received in a line and a second receiving portion for receiving a control portion box in which a plurality of control boards for executing a control relating to a data input and output process with respect to the disk drive are received in a line as recited in the claims.

Further, none of the above described references teach or suggest that the first receiving portion is approximately equal in height and width to the disk drive box and the second receiving portion is approximately equal in height and width to the first receiving portion as recited in the claims.

Therefore, based on the above, it is quite that the features of the present invention as recited in the claims are not taught or suggested by the above described references whether taken individually or in combination with each other.

Accordingly, the claims of the present application are patentable over the above described references and any of the other references of record.

**6. Fee (37 C.F.R. 1.17(i))**

The fee required by 37 C.F.R. § 1.17(i) is to be paid by:

☒ the Credit Card Payment Form (attached) for \$130.00.

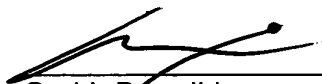
☐ charging Account \_\_\_\_\_ the sum of \$130.00.

A duplicate of this petition is attached.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.43441X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.



\_\_\_\_\_  
Carl I. Brundidge  
Registration No. 29,621

CIB/jdc  
Enclosures  
(703) 684-1120